IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

CRP.No. 610 of 2006()

AGAINST THE ORDER DATED 08/07/2003 IN HOS IN TLB.1117/1973 HOS. OF TALUK LAND BOARD, KASARGOD

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REVN. PETITIONER:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

RESPONDENT:

SMT.A.M.KALLIYANI AMMA,
W/O.KUNHAMBU NAIR,
PADINHAREKARA, P.O. MANIKOTH,
AAJANOOR VILLAGE, HOSDURG.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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C.M.Appl.No.615 of 2006 &
C.R.P.NO.610 OF 2006

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Dated this the 12th day of February 2007

ORDER

C.M.Appl.No.615 of 2006

This is an application filed by the State for condonation of delay of 760 days in filing the CRP. The reasons stated for delay having been caused as aforesaid is stated to be administrative exigencies which is explained in para 2 of the affidavit accompanying the C.M.Application as follows:

> "The above C.R.P. had been filed against the order dated 8.7.2003 in TLB 1117/73/Hos. of Taluk Land Board Hosdurg. The impugned order was passed on 8.7.2003. The copy application for certified copy was filed on 19.1.2006. The copy was received on 25.1.2006. The Government by letter dated 2.1.2006 requested the Advocate General to file C.R.P. in the above case. The file was not containing the certified copy of the order. Only a photocopy of the order was available. Therefore the office of the Advocate General requested the Government to forward certified copy of the same. The certified copy was received on 16.6.2006. There is a delay of 760 days in filing the C.R.P. The delay is occurred only due to administrative exigencies."

The delay condonation application is vehemently opposed by the respondent filing a counter. It is pointed out that the impugned order was passed on 8.7.03 and copy application was made after 2½ years that is on 19.1.2006 for which there is no explanation at all offered in the affidavit. The copy was received on 25.1.2006. But a direction to the Advocate General to prefer an appeal was given forwarding the file without the certified copy of the order against which appeal is to be filed and that is stated to have been received only on 16.6.2006. Still the appeal is filed only on 2.8.2006. The affidavit and the petition shows that the affidavit and petition were prepared as early as on 2.7.2006 but it was corrected as 2.8.2006. There is no explanation for the inordinate delay. The State cannot pray for condonation of the said inordinate delay on the ground that it is by reason of administrative exigencies in the instant case. There is absolutely no explanation as to why no copy application was made for 2½ years; why certified copy of order received 25.1.06 was forwarded to Advocate General only on 16.6.06 and further as to why appeal is filed thereafter only on 2.8.2006. The bald statement that the delay was due to administrative exigencies

is not a proper explanation that is expected from the petitioner who has filed the CRP with a delay of 760 days. C.M.Appl.No.615 of 2006 is not worth merit and is hence dismissed.

C.R.P.NO.610 OF 2006:

C.M. Application seeking condonation of delay of 760 days in filing this CRP is dismissed. Consequently, this CRP filed beyond time deserves to be dismissed. In the result, I dismiss this CRP.

K.P.BALACHANDRAN, JUDGE

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